

REMARKS

The Applicant hereby traverses the rejections and objections of record, and requests reconsideration and withdrawal of such in light of the remarks contained herein. Claims 1-28 are pending in this application.

Drawing Objections

The drawings are objected to because character “903” is used to designate both the processor (pg. 12, line 6, 9, 10, 12, 13, 15, and 19) and sensor device (pg. 12, line 6). The Applicant notes that both “processor [903]” and “sensor device [900]” are appropriately labeled in Fig. 9. Also, except for the one instance noted by the Examiner, “sensor device” is appropriately designated by numeral 900 in the specification. As such, the Applicant submits replacement paragraph [0039], which correctly recites “sensor device 900” throughout. Therefore, the Applicant respectfully requests that the Drawing Objection of record be removed. No new matter has been added.

Claim Objections

Claim 16 is objected to because the word “scatter” in line 10 of the claim should be “sensor.” Please note that claim 16 has been amended so that “scatter” has been replaced with “sensor.” In similar fashion, the Applicant has amended claim 19 so that “scatter” has been replaced with “sensor.” The claims have been amended only for the purpose of resolving the cited informalities, and not for the purpose of narrowing their scope in the face of prior art. These amendments address the recited informalities, as such, the Applicant respectfully requests the withdrawal of the objection of record. No new matter has been entered.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 1-12, 14-23, 25, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application No. 2003/0012143 to Chen et al. (hereinafter

“Chen”) in view of U.S. Patent Application No. 2004/0081166 to Stanforth et al. (hereinafter “Stanforth”).

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art cited must teach or suggest all the claim limitations. *See* M.P.E.P. § 2143. Without admitting that the first or second criteria are satisfied, the Applicant respectfully asserts that the combination of Chen and Stanforth fails to teach or suggest each limitation of the Applicant’s claimed invention.

Claim 1 requires “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” In the Current Action, the Examiner points to Chen, at paragraph [0008] as satisfying this limitation. However, at this citation, Chen merely describes a variety of devices that may compete for bandwidth from a network. The Applicant respectfully submits that competing for bandwidth from a network is not the same as detecting access attempts by mobile devices as required by claim 1.

The Examiner also points to Chen, at paragraph [0014] lines 9-12, to satisfy “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” However, at this citation, Chen recites “when a device requests network access, it sends distribution parameters along with the request for network access...” The “distribution parameters” of Chen are from a modeled, heavily-tailed distribution of the aggregate of activity and inactivity of devices. (*see* Chen paragraphs [0010]-[0013]). The Applicant respectfully submits that devices sending a modeled distribution of the aggregate activity and inactivity of a device is not the same as detecting access attempts by mobile devices as required by claim 1.

The Examiner further points to Chen, at paragraph [0015] lines 1-3, to satisfy “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” However, at this citation, Chen merely describes a network resource manager

that stores distribution parameters. The Applicant points out that storing distribution parameters is not the same as detecting access attempts by mobile devices as required by claim 1. As shown above, Chen does not teach or suggest detecting access attempts by mobile devices. Moreover, Stanforth is not relied upon by the Examiner to teach or suggest this missing limitation. Thus, the Examiner's suggested combination fails to comport the requirements of 35 U.S.C. § 103(a). Therefore, the Applicant respectfully requests that this 35 U.S.C. § 103(a) rejection or record be removed.

Claims 2-12 and 14-15 depend from claim 1 and therefore inherit all limitations of claim 1. Claims 2-12 and 14-15 each recite limitations not taught or suggested by the Examiner's proposed combination. Therefore, the Applicant submits that claims 2-12 and 14-15 are allowable at least for the reasons set forth above with respect to claim 1.

Claim 16 requires "means for detecting and recording attempts to access measurement data by mobile devices." In the Current Action, the Examiner points to Chen, at paragraph [0008] as satisfying this limitation. However, at this citation, Chen merely describes a variety of devices that may compete for bandwidth from a network. The Applicant respectfully submits that competing for bandwidth from a network is not the same as detecting and recording attempts to access measurement data by mobile devices as required by claim 16.

The Examiner also points to Chen, at paragraph [0014] lines 9-12, to satisfy "means for detecting and recording attempts to access measurement data by mobile devices." However, at this citation, Chen recites "when a device requests network access, it sends distribution parameters along with the request for network access..." The "distribution parameters" of Chen are from a modeled heavily tailed distribution of the aggregate of activity and inactivity of devices. (*see* Chen paragraphs [0010]-[0013]). The Applicant respectfully submits that devices sending a modeled distribution of the aggregate activity and inactivity of a device is not the same as detecting and recording attempts to access measurement data by mobile devices as required by claim 16.

The Examiner further points to Chen, at paragraph [0015] lines 1-3, to satisfy “means for detecting and recording attempts to access measurement data by mobile devices.” However, at this citation, Chen merely describes a network resource manager that stores distribution parameters. The Applicant points out that storing distribution parameters is not the same as detecting and recording attempts to access measurement data by mobile devices as required by claim 16. As shown above, Chen does not teach or suggest detecting and recording attempts to access measurement data by mobile devices as required by claim 16. Moreover, Stanforth is not relied upon by the Examiner to teach or suggest this missing limitation. Thus, the Examiner’s suggested combination fails to comport the requirements of 35 U.S.C. § 103(a). Therefore, the Applicant respectfully requests that this 35 U.S.C. § 103(a) rejection or record be removed.

Claims 17-23 depend from claim 16 and therefore inherit all limitations of claim 16. Claims 17-23 each recite limitations not taught or suggested by the Examiner’s proposed combination. Therefore, the Applicant submits that claims 17-23 are allowable at least for the reasons set forth above with respect to claim 16.

Claim 25, as amended, requires “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” As shown above with respect to claim 1, the combination of Chen and Stanforth does not teach or suggest this limitation. Thus, the Examiner’s suggested combination fails to comport the requirements of 35 U.S.C. § 103(a). Therefore, the Applicant respectfully requests that this 35 U.S.C. § 103(a) rejection or record be removed.

Claims 27 and 28 depend from claim 25 and therefore inherit all limitations of claim 25. Claims 27 and 28 each recite limitations not taught or suggested by the Examiner’s proposed combination. Therefore, the Applicant submits that claims 27 and 28 are allowable at least for the reasons set forth above with respect to claim 25.

Claims 5 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Stanforth and further in view of U.S. Patent Application No. 2005/0122999 to Scherzer et al (hereinafter “Scherzer”).

Claim 5, which depends from claim 1, and claim 26, which depends from claim 25, each require “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” As shown above, the combination of Chen and Stanforth does not teach or suggest this limitation. Moreover, Scherzer is not relied upon to teach or suggest this missing limitation. Thus, the Examiner’s suggested combination fails to comport the requirements of 35 U.S.C. § 103(a). Therefore, the Applicant respectfully requests that this 35 U.S.C. § 103(a) rejection or record be removed.

Claims 13 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen in view of Stanforth and further in view of U.S. Patent Application No. 2005/0122999 to Stephens et al (hereinafter “Stephens”).

Claim 13, which depends from claim 1, requires “detecting access attempts by one or several mobile devices to multiple nodes within said sensor net.” As shown above, the combination of Chen and Stanforth does not teach or suggest this limitation. Moreover, Stephens is not relied upon to teach or suggest this missing limitation. Claim 24, which depends from claim 16, requires “means for detecting and recording attempts to access measurement data by mobile devices.” As shown above, the combination of Chen and Stanforth does not teach or suggest this limitation. Moreover, Stephens is not relied upon to teach or suggest this missing limitation. Thus, the Examiner’s suggested combination fails to comport the requirements of 35 U.S.C. § 103(a). Therefore, the Applicant respectfully requests that this 35 U.S.C. § 103(a) rejection or record be removed.

Application No. 10/807,070
Amendment dated October 14, 2005
Reply to Office Action of July 27, 2005

Docket No.: 10040054-1

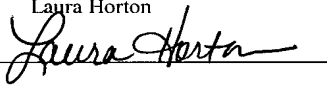
In view of the remarks above, the Applicant believes the pending application is in condition for allowance. The Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 50-1078, under Order No. 10040054-1 from which the undersigned is authorized to draw.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as Express Mail, Airbill No. EV629197447US in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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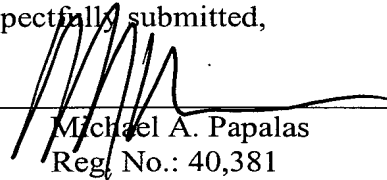
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Respectfully submitted,

By _____


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